

RESEARCH APPENDIX

Date Transfer Requested: 11/30/2018 (Per: CMH)

☞ **Appendix D** ... has been added to the **2017 LRB-6073**

Appendix A ☞ LRB 17-6001

Appendix B ☞ LRB 17-6004

Appendix C ☞ LRB 17-6039

Appendix D ☞ LRB 17-6040

Appendix E ☞ LRB 17-6041

Appendix F ☞ LRB 17-6042

Appendix G ☞ LRB 17-6043

Appendix H ☞ LRB 17-6058

2017 DRAFTING REQUEST**Bill**For: **Robin Vos (608) 266-9171**Drafter: **tdodge**By: **Steve**

Secondary Drafters:

Date: **11/20/2018**

May Contact:

Same as LRB:

Submit via email: **YES**Requester's email: **Rep.Vos@legis.wisconsin.gov**Carbon copy (CC) to: **tamara.dodge@legis.wisconsin.gov**
steve.fawcett@legis.wisconsin.gov
Alicia.Schweitzer@legis.wisconsin.gov
Abbey.Fabick@legis.wisconsin.gov

Pre Topic:

No specific pre topic given

Topic:

Codify BadgerCare reform waiver in Medical Assistance program

Instructions:

Codify 1115 waiver (October 31 2018)

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	tdodge 11/20/2018				
/P1	tdodge 11/28/2018	eweiss 11/29/2018	dwalker 11/21/2018		
/P2	tdodge 11/30/2018	eweiss 11/30/2018	dwalker 11/29/2018		
/P3			lparisi		

LRB-6040

Vers.

Drafted

Reviewed

Submitted
11/30/2018

Jacketed

Required

FE Sent For:

<END>



State of Wisconsin
2017-2018 LEGISLATURE

LRB-6040/P1-keep

TJD:...

wlj2emw

In: 11/20

Due Wed
11/21

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

- 1 **AN ACT** *to create* 49.45 (23b) of the statutes; **relating to:** BadgerCare Plus
- 2 childless adults demonstration project waiver requirements.

Analysis by the Legislative Reference Bureau

This bill requires by statute the Department of Health Services to implement the BadgerCare Reform waiver as it relates to childless adults as approved by the federal Department of Health and Human Services effective October 31, 2018. The 2015-17 and 2017-19 biennial budget acts required DHS to submit a waiver request to the federal DHHS authorizing DHS to take certain actions including imposing premiums on, requiring a health risk assessment of, and time-limiting eligibility for recipients of BadgerCare Plus under the childless adults demonstration project waiver. Effective October 31, 2018, the federal DHHS approved the BadgerCare Reform waiver amendment and extension with some modifications from the request. The bill incorporates certain provisions of the federal approval into the statutes.

Under the bill, DHS must require childless adults demonstration project recipients who are at least 19 years of age but have not attained the age of 50 to participate in, document, and report 80 hours per calendar month of community engagement activities, unless they are exempt or have a temporary exemption for good cause. Qualifying community engagement activities are specified in the bill and include working for money, goods, or services, or as a volunteer, and participating in a program such as the FoodShare employment and training program or Wisconsin Works. DHS must require a recipient, as a condition of eligibility, to complete a health risk assessment and, if the recipient's household income exceeds 50 percent of the federal poverty line, pay a monthly premium of \$8 per household with some

~~XXX~~ Note: Please note that the waiver approval also included some premium changes for transitional Medical Assistance recipients. Those premium changes end at the end of this calendar year. This draft only includes the waiver relating to the childless adult demonstration project as required in the 2015 and 2017 biennial budget acts.

limited exceptions. The household premium is reduced if a recipient reports on the health risk assessment that he or she is not engaging in certain behaviors that increase health risks or is actively managing certain unhealthy behaviors. DHS must disenroll a recipient for six months if the recipient does not pay the required premium or, if the recipient is not exempt, does not participate for 48 aggregate months in the community engagement activity.

DHS must charge recipients an \$8 copayment for nonemergency use of the emergency department and must comply with other requirements imposed by the federal DHHS in its waiver approval effective October 31, 2018. The requirements in the bill must end no sooner than December 31, 2023, and the bill prohibits DHS from requesting suspension or termination of the childless adults demonstration project requirements before that date unless the legislation has been enacted specifically allowing for suspension or termination.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 49.45 (23b) of the statutes is created to read:

49.45 (23b) CHILDLESS ADULTS DEMONSTRATION PROJECT REFORM WAIVER IMPLEMENTATION REQUIRED. (a) In this subsection:

1. "Community engagement activity" includes any of the following:

a. Work in exchange for money, goods, or services.

b. Unpaid work, such as volunteer work or community service.

c. Self-employment.

d. Participation in a work, job training, or job search program, as approved by the department, including the employment and training program under s. 49.79 (9), the Wisconsin Works program under ss. 49.141 to 49.161, programs under the federal workforce innovation and opportunity act, and tribal work programs.

2. "Exempt individual" means an individual who is any of the following:

a. Receiving temporary or permanent disability benefits from the federal or state government or a private source.

b. Determined by the department to be physically or mentally unable to work.

1 c. Verified as unable to work in a statement from a social worker or other health
2 care professional.

3 d. Experiencing chronic homelessness.

4 e. Serving as primary caregiver for a person who cannot care for himself or
5 herself.

6 f. Receiving or applying for unemployment compensation and complying with
7 the work requirements for unemployment compensation.

8 g. Participating regularly in an alcohol or other drug abuse treatment or
9 rehabilitation program, except for alcoholics anonymous or narcotics anonymous but
10 including cultural interventions specific to American Indian tribes or bands.

11 h. Attending high school at least half time or enrolled in an institution of higher
12 education, including vocational programs or high school equivalency programs, at
13 least half time.

14 i. Exempt from work requirements under the food stamp program under s.
15 49.79.

16 (b) Beginning as soon as practicable after October 31, 2018, and ending no
17 sooner than December 31, 2023, the department shall do all of the following with
18 regard to the childless adults demonstration project under sub. (23):

19 1. Require in each month persons, except exempt individuals, who are eligible
20 to receive Medical Assistance under sub. (23) and who are at least 19 years of age but
21 have not attained the age of 50 to participate in, document, and report 80 hours per
22 calendar month of community engagement activities. The department, after finding
23 good cause, may grant a temporary exemption from the requirement under this
24 subdivision upon request of a Medical Assistance recipient.

1 2. Require persons with incomes of at least 50 percent of the poverty line to pay
2 premiums in accordance with par. (c) as a condition of eligibility for Medical
3 Assistance under sub. (23).

4 3. Require as a condition of eligibility for Medical Assistance under sub. (23)
5 completion of a health risk assessment.

6 4. Charge recipients of Medical Assistance under sub. (23) an \$8 copayment for
7 nonemergency use of the emergency department in accordance with 42 USC 1396o-1
8 (e) (1) and 42 CFR 447.54.

9 5. Disenroll from Medical Assistance under sub. (23) for 6 months any
10 individual who does not pay a required premium under subd. 2. and any individual
11 who is required under subd. 1. to participate in a community engagement activity but
12 who does not participate for 48 aggregate months in the community engagement
13 activity.

14 (c) 1. Persons who are eligible for the demonstration project under sub. (23) and
15 who have monthly household income that exceeds 50 percent of the poverty line shall
16 pay a monthly premium amount of \$8 per household. A person who is eligible to
17 receive an item or service furnished by an Indian health care provider is exempt from
18 the premium requirement under this subdivision.

19 2. The department may disenroll under par. (b) 5. a person for nonpayment of
20 a required monthly premium only at annual eligibility redetermination after
21 providing notice and reasonable opportunity for the person to pay. If a person who
22 is disenrolled for nonpayment of premiums pays all owed premiums or becomes
23 exempt from payment of premiums, he or she may reenroll in Medical Assistance
24 under sub. (23).

*the demonstration project
requirements under this subsection
may not be withdrawn and*

1 3. The department shall reduce the amount of the required household premium
2 by up to half for a recipient of Medical Assistance under sub. (23) who does not engage
3 in certain behaviors that increase health risks or who attests to actively managing
4 certain unhealthy behaviors.

5 (d) The department shall comply with any other requirements not specified
6 elsewhere in this subsection that are imposed by the federal department of health
7 and human services in its approval effective October 31, 2018.

8 (e) Before December 31, 2023, the department may not request from the federal
9 government ^{withdrawal} suspension or termination of the demonstration project requirements
10 under this subsection unless legislation has been enacted specifically allowing for
11 the ^{withdrawal} suspension or termination.

12 **SECTION 2. Nonstatutory provisions.**

13 (1) REQUIREMENTS FOR EXISTING CHILDLESS ADULTS MEDICAL ASSISTANCE
14 RECIPIENTS. Notwithstanding the requirement in s. 49.45 (23b) to begin as soon as
15 practicable after October 31, 2018, all of the following apply to the demonstration
16 project under s. 49.45 (23) and (23b):

17 (a) The 48-month eligibility period for current recipients of Medical Assistance
18 under s. 49.45 (23) who are not participating in an activity that qualifies as a
19 community engagement activity begins no sooner than October 31, 2019, or no
20 sooner than the first of the month when the eligibility of a recipient has been
21 established, if all beneficiaries who will be subject to the community engagement
22 activity requirement have been adequately notified.

23 (b) The requirement for current recipients of Medical Assistance under s. 49.45
24 (23) to complete a health risk assessment applies no sooner than October 31, 2019.

25

(END)



State of Wisconsin
2017 - 2018 LEGISLATURE

LRB-6040/P1
TJD:wlj&emw

In: 11/28

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

- 1 AN ACT *to create* 49.45 (23b) of the statutes; **relating to:** BadgerCare Plus
2 childless adults demonstration project waiver requirements.

Analysis by the Legislative Reference Bureau

This bill requires by statute the Department of Health Services to implement the BadgerCare Reform waiver as it relates to childless adults as approved by the federal Department of Health and Human Services effective October 31, 2018. The 2015-17 and 2017-19 biennial budget acts required DHS to submit a waiver request to the federal DHHS authorizing DHS to take certain actions including imposing premiums on, requiring a health risk assessment of, and time-limiting eligibility for recipients of BadgerCare Plus under the childless adults demonstration project waiver. Effective October 31, 2018, the federal DHHS approved the BadgerCare Reform waiver amendment and extension with some modifications from the request. The bill incorporates certain provisions of the federal approval into the statutes.

Under the bill, DHS must require childless adults demonstration project recipients who are at least 19 years of age but have not attained the age of 50 to participate in, document, and report 80 hours per calendar month of community engagement activities, unless they are exempt or have a temporary exemption for good cause. Qualifying community engagement activities are specified in the bill and include working for money, goods, or services, or as a volunteer, and participating in a program such as the FoodShare employment and training program or Wisconsin Works. DHS must require a recipient, as a condition of eligibility, to complete a health risk assessment and, if the recipient's household income exceeds 50 percent of the federal poverty line, pay a monthly premium of \$8 per household with some

limited exceptions. The household premium is reduced if a recipient reports on the health risk assessment that he or she is not engaging in certain behaviors that increase health risks or is actively managing certain unhealthy behaviors. DHS must disenroll a recipient for six months if the recipient does not pay the required premium or, if the recipient is not exempt, does not participate for 48 aggregate months in the community engagement activity.

DHS must charge recipients an \$8 copayment for nonemergency use of the emergency department and must comply with other requirements imposed by the federal DHHS in its waiver approval effective October 31, 2018. The requirements in the bill must end no sooner than December 31, 2023, and the bill prohibits DHS from requesting suspension or termination of the childless adults demonstration project requirements before that date unless the legislation has been enacted specifically allowing for suspension or termination.

withdrawal
of the
requirements
and

Withdrawal,

withdrawal,

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

****NOTE: Please note that the waiver approval also included extensive substance use disorder treatment changes and some premium changes for transitional Medical Assistance recipients. Those premium changes end at the end of this calendar year. This draft only includes the waiver relating to the childless adult demonstration project as required in the 2015 and 2017 biennial budget acts.

SECTION 1. 49.45 (23b) of the statutes is created to read:

49.45 (23b) CHILDLESS ADULTS DEMONSTRATION PROJECT REFORM WAIVER
IMPLEMENTATION REQUIRED. (a) In this subsection:

1. "Community engagement activity" includes any of the following:

a. Work in exchange for money, goods, or services.

b. Unpaid work, such as volunteer work or community service.

c. Self-employment.

d. Participation in a work, job training, or job search program, as approved by the department, including the employment and training program under s. 49.79 (9), the Wisconsin Works program under ss. 49.141 to 49.161, programs under the federal workforce innovation and opportunity act, and tribal work programs.

2. "Exempt individual" means an individual who is any of the following:

1 a. Receiving temporary or permanent disability benefits from the federal or
2 state government or a private source.

3 b. Determined by the department to be physically or mentally unable to work.

4 c. Verified as unable to work in a statement from a social worker or other health
5 care professional.

6 d. Experiencing chronic homelessness.

7 e. Serving as primary caregiver for a person who cannot care for himself or
8 herself.

9 f. Receiving or applying for unemployment compensation and complying with
10 the work requirements for unemployment compensation.

11 g. Participating regularly in an alcohol or other drug abuse treatment or
12 rehabilitation program, except for alcoholics anonymous or narcotics anonymous but
13 including cultural interventions specific to American Indian tribes or bands.

14 h. Attending high school at least half time or enrolled in an institution of higher
15 education, including vocational programs or high school equivalency programs, at
16 least half time.

17 i. Exempt from work requirements under the food stamp program under s.
18 49.79.

19 (b) Beginning as soon as practicable after October 31, 2018, and ending no
20 sooner than December 31, 2023, the department shall do all of the following with
21 regard to the childless adults demonstration project under sub. (23):

22 1. Require in each month persons, except exempt individuals, who are eligible
23 to receive Medical Assistance under sub. (23) and who are at least 19 years of age but
24 have not attained the age of 50 to participate in, document, and report 80 hours per
25 calendar month of community engagement activities. The department, after finding

1 good cause, may grant a temporary exemption from the requirement under this
2 subdivision upon request of a Medical Assistance recipient.

3 2. Require persons with incomes of at least 50 percent of the poverty line to pay
4 premiums in accordance with par. (c) as a condition of eligibility for Medical
5 Assistance under sub. (23).

6 3. Require as a condition of eligibility for Medical Assistance under sub. (23)
7 completion of a health risk assessment.

8 4. Charge recipients of Medical Assistance under sub. (23) an \$8 copayment for
9 nonemergency use of the emergency department in accordance with 42 USC 1396o-1
10 (e) (1) and 42 CFR 447.54.

11 5. Disenroll from Medical Assistance under sub. (23) for 6 months any
12 individual who does not pay a required premium under subd. 2. and any individual
13 who is required under subd. 1. to participate in a community engagement activity but
14 who does not participate for 48 aggregate months in the community engagement
15 activity.

16 (c) 1. Persons who are eligible for the demonstration project under sub. (23) and
17 who have monthly household income that exceeds 50 percent of the poverty line shall
18 pay a monthly premium amount of \$8 per household. A person who is eligible to
19 receive an item or service furnished by an Indian health care provider is exempt from
20 the premium requirement under this subdivision.

21 2. The department may disenroll under par. (b) 5. a person for nonpayment of
22 a required monthly premium only at annual eligibility redetermination after
23 providing notice and reasonable opportunity for the person to pay. If a person who
24 is disenrolled for nonpayment of premiums pays all owed premiums or becomes

1 exempt from payment of premiums, he or she may reenroll in Medical Assistance
2 under sub. (23).

3 3. The department shall reduce the amount of the required household premium
4 by up to half for a recipient of Medical Assistance under sub. (23) who does not engage
5 in certain behaviors that increase health risks or who attests to actively managing
6 certain unhealthy behaviors.

7 (d) The department shall comply with any other requirements not specified
8 elsewhere in this subsection that are imposed by the federal department of health
9 and human services in its approval effective October 31, 2018.

10 (e) Before December 31, 2023, ^{the demonstration project requirements under this subsection} the department may not request from the federal ^{may not}
11 government ^{withdrawal} suspension, or termination of the demonstration project requirements ^{be withdrawn}
12 under this subsection unless legislation has been enacted specifically allowing for ^{and}
13 the ^{withdrawal} suspension, or termination.

14 SECTION 2. Nonstatutory provisions.

15 (1) REQUIREMENTS FOR EXISTING CHILDLESS ADULTS MEDICAL ASSISTANCE
16 RECIPIENTS. Notwithstanding the requirement in s. 49.45 (23b) to begin as soon as
17 practicable after October 31, 2018, all of the following apply to the demonstration
18 project under s. 49.45 (23) and (23b):

19 (a) The 48-month eligibility period for current recipients of Medical Assistance
20 under s. 49.45 (23) who are not participating in an activity that qualifies as a
21 community engagement activity begins no sooner than October 31, 2019, or no
22 sooner than the first of the month when the eligibility of a recipient has been
23 established, if all beneficiaries who will be subject to the community engagement
24 activity requirement have been adequately notified.

(b) The requirement for current recipients of Medical Assistance under s. 49.45 (23) to complete a health risk assessment applies no sooner than October 31, 2019.

3 (END)



11/30

T/C Abbey - Rep Vos's office

Add deadline - Nov. 1, 2019 JCF may
grant extensions

JCF may reduce state operations
or admin. funding
or reduce FTE if DHS does
not comply



State of Wisconsin
2017 - 2018 LEGISLATURE

LRB-6040/P2
TJD:wlj&emw *ep3*

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

- 1 **AN ACT** *to create* 49.45 (23b) of the statutes; **relating to:** BadgerCare Plus
2 childless adults demonstration project waiver requirements.

Analysis by the Legislative Reference Bureau

This bill requires by statute the Department of Health Services to implement the BadgerCare Reform waiver as it relates to childless adults as approved by the federal Department of Health and Human Services effective October 31, 2018. The 2015-17 and 2017-19 biennial budget acts required DHS to submit a waiver request to the federal DHHS authorizing DHS to take certain actions including imposing premiums on, requiring a health risk assessment of, and time-limiting eligibility for recipients of BadgerCare Plus under the childless adults demonstration project waiver. Effective October 31, 2018, the federal DHHS approved the BadgerCare Reform waiver amendment and extension with some modifications from the request. The bill incorporates certain provisions of the federal approval into the statutes.

Under the bill, DHS must require childless adults demonstration project recipients who are at least 19 years of age but have not attained the age of 50 to participate in, document, and report 80 hours per calendar month of community engagement activities, unless they are exempt or have a temporary exemption for good cause. Qualifying community engagement activities are specified in the bill and include working for money, goods, or services, or as a volunteer, and participating in a program such as the FoodShare employment and training program or Wisconsin Works. DHS must require a recipient, as a condition of eligibility, to complete a health risk assessment and, if the recipient's household income exceeds 50 percent of the federal poverty line, pay a monthly premium of \$8 per household with some

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DHS must charge recipients an \$8 copayment for nonemergency use of the emergency department and must comply with other requirements imposed by the federal DHHS in its waiver approval effective October 31, 2018. The requirements in the bill must end no sooner than December 31, 2023, and the bill prohibits withdrawal of the requirements and DHS from requesting withdrawal, suspension, or termination of the childless adults demonstration project requirements before that date unless the legislation has been enacted specifically allowing for withdrawal, suspension, or termination.

Insert A

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 49.45 (23b) of the statutes is created to read:

2 **49.45 (23b)** CHILDLESS ADULTS DEMONSTRATION PROJECT REFORM WAIVER
3 IMPLEMENTATION REQUIRED. (a) In this subsection:

4 1. "Community engagement activity" includes any of the following:

5 a. Work in exchange for money, goods, or services.

6 b. Unpaid work, such as volunteer work or community service.

7 c. Self-employment.

8 d. Participation in a work, job training, or job search program, as approved by
9 the department, including the employment and training program under s. 49.79 (9),
10 the Wisconsin Works program under ss. 49.141 to 49.161, programs under the federal
11 workforce innovation and opportunity act, and tribal work programs.

12 2. "Exempt individual" means an individual who is any of the following:

13 a. Receiving temporary or permanent disability benefits from the federal or
14 state government or a private source.

- 1 b. Determined by the department to be physically or mentally unable to work.
- 2 c. Verified as unable to work in a statement from a social worker or other health
- 3 care professional.
- 4 d. Experiencing chronic homelessness.
- 5 e. Serving as primary caregiver for a person who cannot care for himself or
- 6 herself.
- 7 f. Receiving or applying for unemployment compensation and complying with
- 8 the work requirements for unemployment compensation.
- 9 g. Participating regularly in an alcohol or other drug abuse treatment or
- 10 rehabilitation program, except for alcoholics anonymous or narcotics anonymous but
- 11 including cultural interventions specific to American Indian tribes or bands.
- 12 h. Attending high school at least half time or enrolled in an institution of higher
- 13 education, including vocational programs or high school equivalency programs, at
- 14 least half time.
- 15 i. Exempt from work requirements under the food stamp program under s.
- 16 49.79.
- 17 (b) Beginning as soon as practicable after October 31, 2018, and ending no
- 18 sooner than December 31, 2023, the department shall do all of the following with
- 19 regard to the childless adults demonstration project under sub. (23):
- 20 1. Require in each month persons, except exempt individuals, who are eligible
- 21 to receive Medical Assistance under sub. (23) and who are at least 19 years of age but
- 22 have not attained the age of 50 to participate in, document, and report 80 hours per
- 23 calendar month of community engagement activities. The department, after finding
- 24 good cause, may grant a temporary exemption from the requirement under this
- 25 subdivision upon request of a Medical Assistance recipient.

1 2. Require persons with incomes of at least 50 percent of the poverty line to pay
2 premiums in accordance with par. (c) as a condition of eligibility for Medical
3 Assistance under sub. (23).

4 3. Require as a condition of eligibility for Medical Assistance under sub. (23)
5 completion of a health risk assessment.

6 4. Charge recipients of Medical Assistance under sub. (23) an \$8 copayment for
7 nonemergency use of the emergency department in accordance with 42 USC 1396o-1
8 (e) (1) and 42 CFR 447.54.

9 5. Disenroll from Medical Assistance under sub. (23) for 6 months any
10 individual who does not pay a required premium under subd. 2. and any individual
11 who is required under subd. 1. to participate in a community engagement activity but
12 who does not participate for 48 aggregate months in the community engagement
13 activity.

14 (c) 1. Persons who are eligible for the demonstration project under sub. (23) and
15 who have monthly household income that exceeds 50 percent of the poverty line shall
16 pay a monthly premium amount of \$8 per household. A person who is eligible to
17 receive an item or service furnished by an Indian health care provider is exempt from
18 the premium requirement under this subdivision.

19 2. The department may disenroll under par. (b) 5. a person for nonpayment of
20 a required monthly premium only at annual eligibility redetermination after
21 providing notice and reasonable opportunity for the person to pay. If a person who
22 is disenrolled for nonpayment of premiums pays all owed premiums or becomes
23 exempt from payment of premiums, he or she may reenroll in Medical Assistance
24 under sub. (23).

1 3. The department shall reduce the amount of the required household premium
2 by up to half for a recipient of Medical Assistance under sub. (23) who does not engage
3 in certain behaviors that increase health risks or who attests to actively managing
4 certain unhealthy behaviors.

5 (d) The department shall comply with any other requirements not specified
6 elsewhere in this subsection that are imposed by the federal department of health
7 and human services in its approval effective October 31, 2018.

8 (e) Before December 31, 2023, the demonstration project requirements under
9 this subsection may not be withdrawn, and the department may not request from the
10 federal government withdrawal, suspension, or termination of the demonstration
11 project requirements under this subsection unless legislation has been enacted
12 specifically allowing for the withdrawal, suspension, or termination.


13 **SECTION 2. Nonstatutory provisions.**

14 (1) REQUIREMENTS FOR EXISTING CHILDLESS ADULTS MEDICAL ASSISTANCE
15 RECIPIENTS. Notwithstanding the requirement in s. 49.45 (23b) to begin as soon as
16 practicable after October 31, 2018, all of the following apply to the demonstration
17 project under s. 49.45 (23) and (23b):

18 (a) The 48-month eligibility period for current recipients of Medical Assistance
19 under s. 49.45 (23) who are not participating in an activity that qualifies as a
20 community engagement activity begins no sooner than October 31, 2019, or no
21 sooner than the first of the month when the eligibility of a recipient has been
22 established, if all beneficiaries who will be subject to the community engagement
23 activity requirement have been adequately notified.

1 (b) The requirement for current recipients of Medical Assistance under s. 49.45
2 (23) to complete a health risk assessment applies no sooner than October 31, 2019.

3 (END)


Insert nonstat

2019-2020 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-6040/H2insTD
TJD:...

INSERT A-TJD-2

of the Joint Committee on Finance

The bill requires DHS to implement the childless adults BadgerCare Reform waiver by no later than November 1, 2019. If DHS is unable to fully implement the project reforms by November 1, 2019, DHS may request from JCF an extension not to exceed 90 days in a written submission that includes a report on the progress toward implementation of the project and the reason an extension is needed, which JCF will review under its 14-day passive review process. If JCF determines that DHS has not complied with the implementation deadline, has not made sufficient progress in implementing the BadgerCare Reform waiver, or has not complied with requirements under this bill relating to approved waiver implementation, JCF may reduce from moneys allocated for state operations or administrative functions the DHS's appropriation or expenditure authority, whichever is applicable, or change the authorized level of full-time equivalent positions for DHS related to the Medical Assistance program.

END INSERT A-TJD-2

INSERT NONSTAT TJD

3
(3) IMPLEMENTATION OF CHILDLESS ADULT DEMONSTRATION PROJECT.

(a) The department of health services shall implement the childless adults demonstration project reforms in accordance with s. 49.45 (23b) by no later than November 1, 2019. If the department of health services is unable to fully implement the project reforms by November 1, 2019, the department may request from the joint committee on finance an extension not to exceed 90 days in a written submission that includes a report on the progress toward implementation of the project and the reason an extension is needed. If the cochairpersons of the joint committee on finance do not notify the department of health services within 14 working days after the date of the request for an extension under this paragraph that the committee has scheduled a meeting for the purpose of reviewing the extension request, the extension is considered granted. If, within 14 working days after the date of the request for an extension under this paragraph, the cochairpersons of the committee

notify the department of health services that the committee has scheduled a meeting for the purpose of reviewing the extension request, the department may consider the extension granted only upon approval by the committee. The department of health services may request additional extensions under the procedure under this paragraph.

~~*~~ (b) If the joint committee on finance determines that the department of health services has not complied with the deadline under par. (a) or has not made sufficient progress in implementing s. 49.45 (23b), the joint committee on finance may reduce from moneys allocated for state operations or administrative functions the department of health services's appropriation or expenditure authority, whichever is applicable, or change the authorized level of full-time equivalent positions for the department of health services related to the Medical Assistance program. The procedures under s. 13.10 do not apply to this subsection.

END INSERT NONSTAT TJD



State of Wisconsin
2017 - 2018 LEGISLATURE

LRB-6040/P3
TJD:wlj&emw

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

- 1 **AN ACT** *to create* 49.45 (23b) of the statutes; **relating to:** BadgerCare Plus
2 childless adults demonstration project waiver requirements.

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This bill requires by statute the Department of Health Services to implement the BadgerCare Reform waiver as it relates to childless adults as approved by the federal Department of Health and Human Services effective October 31, 2018. The 2015-17 and 2017-19 biennial budget acts required DHS to submit a waiver request to the federal DHHS authorizing DHS to take certain actions including imposing premiums on, requiring a health risk assessment of, and time-limiting eligibility for recipients of BadgerCare Plus under the childless adults demonstration project waiver. Effective October 31, 2018, the federal DHHS approved the BadgerCare Reform waiver amendment and extension with some modifications from the request. The bill incorporates certain provisions of the federal approval into the statutes.

Under the bill, DHS must require childless adults demonstration project recipients who are at least 19 years of age but have not attained the age of 50 to participate in, document, and report 80 hours per calendar month of community engagement activities, unless they are exempt or have a temporary exemption for good cause. Qualifying community engagement activities are specified in the bill and include working for money, goods, or services, or as a volunteer, and participating in a program such as the FoodShare employment and training program or Wisconsin Works. DHS must require a recipient, as a condition of eligibility, to complete a health risk assessment and, if the recipient's household income exceeds 50 percent of the federal poverty line, pay a monthly premium of \$8 per household with some

limited exceptions. The household premium is reduced if a recipient reports on the health risk assessment that he or she is not engaging in certain behaviors that increase health risks or is actively managing certain unhealthy behaviors. DHS must disenroll a recipient for six months if the recipient does not pay the required premium or, if the recipient is not exempt, does not participate for 48 aggregate months in the community engagement activity.

DHS must charge recipients an \$8 copayment for nonemergency use of the emergency department and must comply with other requirements imposed by the federal DHHS in its waiver approval effective October 31, 2018. The requirements in the bill must end no sooner than December 31, 2023, and the bill prohibits withdrawal of the requirements and DHS from requesting withdrawal, suspension, or termination of the childless adults demonstration project requirements before that date unless the legislation has been enacted specifically allowing for withdrawal, suspension, or termination.

The bill requires DHS to implement the childless adults BadgerCare Reform waiver by no later than November 1, 2019. If DHS is unable to fully implement the project reforms by November 1, 2019, DHS may request from the Joint Committee on Finance an extension not to exceed 90 days in a written submission that includes a report on the progress toward implementation of the project and the reason an extension is needed, which JCF will review under its 14-day passive review process. If JCF determines that DHS has not complied with the implementation deadline, has not made sufficient progress in implementing the BadgerCare Reform waiver, or has not complied with other requirements under this bill relating to approved waiver implementation, JCF may reduce from moneys allocated for state operations or administrative functions DHS's appropriation or expenditure authority, whichever is applicable, or change the authorized level of full-time equivalent positions for DHS related to the Medical Assistance program.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

- 1 **SECTION 1.** 49.45 (23b) of the statutes is created to read:
- 2 **49.45 (23b)** CHILDLESS ADULTS DEMONSTRATION PROJECT REFORM WAIVER
- 3 IMPLEMENTATION REQUIRED. (a) In this subsection:
- 4 1. "Community engagement activity" includes any of the following:
- 5 a. Work in exchange for money, goods, or services.
- 6 b. Unpaid work, such as volunteer work or community service.
- 7 c. Self-employment.

1 d. Participation in a work, job training, or job search program, as approved by
2 the department, including the employment and training program under s. 49.79 (9),
3 the Wisconsin Works program under ss. 49.141 to 49.161, programs under the federal
4 workforce innovation and opportunity act, and tribal work programs.

5 2. "Exempt individual" means an individual who is any of the following:

6 a. Receiving temporary or permanent disability benefits from the federal or
7 state government or a private source.

8 b. Determined by the department to be physically or mentally unable to work.

9 c. Verified as unable to work in a statement from a social worker or other health
10 care professional.

11 d. Experiencing chronic homelessness.

12 e. Serving as primary caregiver for a person who cannot care for himself or
13 herself.

14 f. Receiving or applying for unemployment compensation and complying with
15 the work requirements for unemployment compensation.

16 g. Participating regularly in an alcohol or other drug abuse treatment or
17 rehabilitation program, except for alcoholics anonymous or narcotics anonymous but
18 including cultural interventions specific to American Indian tribes or bands.

19 h. Attending high school at least half time or enrolled in an institution of higher
20 education, including vocational programs or high school equivalency programs, at
21 least half time.

22 i. Exempt from work requirements under the food stamp program under s.
23 49.79.

1 (b) Beginning as soon as practicable after October 31, 2018, and ending no
2 sooner than December 31, 2023, the department shall do all of the following with
3 regard to the childless adults demonstration project under sub. (23):

4 1. Require in each month persons, except exempt individuals, who are eligible
5 to receive Medical Assistance under sub. (23) and who are at least 19 years of age but
6 have not attained the age of 50 to participate in, document, and report 80 hours per
7 calendar month of community engagement activities. The department, after finding
8 good cause, may grant a temporary exemption from the requirement under this
9 subdivision upon request of a Medical Assistance recipient.

10 2. Require persons with incomes of at least 50 percent of the poverty line to pay
11 premiums in accordance with par. (c) as a condition of eligibility for Medical
12 Assistance under sub. (23).

13 3. Require as a condition of eligibility for Medical Assistance under sub. (23)
14 completion of a health risk assessment.

15 4. Charge recipients of Medical Assistance under sub. (23) an \$8 copayment for
16 nonemergency use of the emergency department in accordance with 42 USC 1396o-1
17 (e) (1) and 42 CFR 447.54.

18 5. Disenroll from Medical Assistance under sub. (23) for 6 months any
19 individual who does not pay a required premium under subd. 2. and any individual
20 who is required under subd. 1. to participate in a community engagement activity but
21 who does not participate for 48 aggregate months in the community engagement
22 activity.

23 (c) 1. Persons who are eligible for the demonstration project under sub. (23) and
24 who have monthly household income that exceeds 50 percent of the poverty line shall
25 pay a monthly premium amount of \$8 per household. A person who is eligible to

1 receive an item or service furnished by an Indian health care provider is exempt from
2 the premium requirement under this subdivision.

3 2. The department may disenroll under par. (b) 5. a person for nonpayment of
4 a required monthly premium only at annual eligibility redetermination after
5 providing notice and reasonable opportunity for the person to pay. If a person who
6 is disenrolled for nonpayment of premiums pays all owed premiums or becomes
7 exempt from payment of premiums, he or she may reenroll in Medical Assistance
8 under sub. (23).

9 3. The department shall reduce the amount of the required household premium
10 by up to half for a recipient of Medical Assistance under sub. (23) who does not engage
11 in certain behaviors that increase health risks or who attests to actively managing
12 certain unhealthy behaviors.

13 (d) The department shall comply with any other requirements not specified
14 elsewhere in this subsection that are imposed by the federal department of health
15 and human services in its approval effective October 31, 2018.

16 (e) Before December 31, 2023, the demonstration project requirements under
17 this subsection may not be withdrawn, and the department may not request from the
18 federal government withdrawal, suspension, or termination of the demonstration
19 project requirements under this subsection unless legislation has been enacted
20 specifically allowing for the withdrawal, suspension, or termination.

21 **SECTION 2. Nonstatutory provisions.**

22 (1) REQUIREMENTS FOR EXISTING CHILDLESS ADULTS MEDICAL ASSISTANCE
23 RECIPIENTS. Notwithstanding the requirement in s. 49.45 (23b) to begin as soon as
24 practicable after October 31, 2018, all of the following apply to the demonstration
25 project under s. 49.45 (23) and (23b):

1 (a) The 48-month eligibility period for current recipients of Medical Assistance
2 under s. 49.45 (23) who are not participating in an activity that qualifies as a
3 community engagement activity begins no sooner than October 31, 2019, or no
4 sooner than the first of the month when the eligibility of a recipient has been
5 established, if all beneficiaries who will be subject to the community engagement
6 activity requirement have been adequately notified.

7 (b) The requirement for current recipients of Medical Assistance under s. 49.45
8 (23) to complete a health risk assessment applies no sooner than October 31, 2019.

9 (2) IMPLEMENTATION OF CHILDLESS ADULT DEMONSTRATION PROJECT.

10 (a) The department of health services shall implement the childless adults
11 demonstration project reforms in accordance with s. 49.45 (23b) by no later than
12 November 1, 2019. If the department of health services is unable to fully implement
13 the project reforms by November 1, 2019, the department may request from the joint
14 committee on finance an extension not to exceed 90 days in a written submission that
15 includes a report on the progress toward implementation of the project and the
16 reason an extension is needed. If the cochairpersons of the joint committee on finance
17 do not notify the department of health services within 14 working days after the date
18 of the request for an extension under this paragraph that the committee has
19 scheduled a meeting for the purpose of reviewing the extension request, the
20 extension is considered granted. If, within 14 working days after the date of the
21 request for an extension under this paragraph, the cochairpersons of the committee
22 notify the department of health services that the committee has scheduled a meeting
23 for the purpose of reviewing the extension request, the department may consider the
24 extension granted only upon approval by the committee. The department of health

1 services may request additional extensions under the procedure under this
2 paragraph.

3 (b) If the joint committee on finance determines that the department of health
4 services has not complied with the deadline under par. (a) or has not made sufficient
5 progress in implementing s. 49.45 (23b), the joint committee on finance may reduce
6 from moneys allocated for state operations or administrative functions the
7 department of health services's appropriation or expenditure authority, whichever
8 is applicable, or change the authorized level of full-time equivalent positions for the
9 department of health services related to the Medical Assistance program. The
10 procedures under s. 13.10 do not apply to this subsection.

11 (END)